IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM:

DATED:27.10.2006

THE HON'BLE MR. JUSTICE P. SATHASIVAM

CIVIL REVISION PETITION (pd) NO.535 OF 2003
AND CMP.NO.3439 OF 2003

Masjid-E-Ansari
rep. By
1.G.Sikander Shah,President
2.Sanayullah, Secretary. .. Petitioners)Plaintiff

vs.

1.K. Pachaiammal
2.S.Rajendran
3.N. Padmavathy
4.M. Velayudhan
5.V. Mani
6.K.Muniyan
7.K. Ramesh
8.G. Ravi
9.K. Arul
10.G. Elumalai
11.G. Marimuthu
12.V. Lakshmi
13.T. Muthu
14.K. Chinnakulandai
15.S. Chakravarthi
16.G. Duraisamy
17.G. Loganathan
18.K. Alamelu Ammal
19.M. Govindaraj
20.A. Govindasamy
21.Parthasarathy
22.P. Lakshmi
23.S. Viswanathan .. Respondents(Defendants)

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Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the order and decreetal order of the V Assistant City Civil Judge, Madras in Cheque Slip No.133/XXVI/C.C. Court in O.S.No.7027 of 2000 dated 26.12.2002.

https://hcservices.ecourts.gov.in/hcservices/

For petitioner :Mr. V.Raghavachari

For respondents :Mr. S. Ganesh for R.1to 10, 12 to 19 and 21 to 23.

..

ORDER

Heard both sides.

2. In order to appreciate the claim of the petitioner, it is useful to refer the following specific averments in para 10 of the plaint in O.S.No.7027 of 2000, which reads as under.

> "10. .... Hence,the plaintiff file this suit for a declaration that the suit lands belong absolutely to them and for a declaration that the same is a Wakf Property by user. The plaintiffs further pray for a decree of permanent and mandatory injunction as a consequential relief restraining the defendants from interfering with their peaceful possession and enjoyment of suit lands. "

It is also relevant to note that in para 13, viz., in relief portion the plaintiff has prayed,

> "13.(1) for a declaration that the suit property is a Wakf by user and it belongs absolutely to the Plaintiff Mosque as it perfected its title to the suit property by possession;"

3. In view of the specific claim by the plaintiff and having noted the value as per the revenue records and Court Fee payable in respect of relief of declaration is at Rs.2,250/- I am of the view that the Court Fee paid viz., Rs.15/- is not justified; hence, I am in agreement with the conclusion arrived at by the learned Subordinate and I find no ground to interfere in the order impugned. Accordingly, the civil revision petition fails and the same is dismissed. No costs. Consequently, connected CMP., is also dismissed.

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The petitioner / plaintiff is permitted to pay the balance court fee within a period of four weeks from the date of receipt of a copy of this order.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Registrar,
City Civil Court,
Madras

1 cc to Mr.V.Raghavachari, Advocate, SR.50261
1 cc to Mr.S.Ganesh, Advocate, SR.50216

mm (co)

dv/29.11.06

Order in
CRP(PD).No.535 of 2003

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